

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

**TREASURER, TRUSTEES OF DRURY)
INDUSTRIES, INC. HEALTH CARE)
PLAN AND TRUST,)**

Plaintiff,)

vs.)

Case No. 1:09CV00121 SNLJ

**SEAN GODING and)
CASEY & DEVOTI, P.C.,)**

Defendants.)

MEMORANDUM AND ORDER

On July 27, 2011, this Court ordered defendant Casey & Devoti, P.C. (“Casey”) to file with the Court updated timesheets for this matter, through and including July 15, 2011, for the purpose of calculating an award of attorney’s fees under 29 U.S.C. § 1132(g)(1).

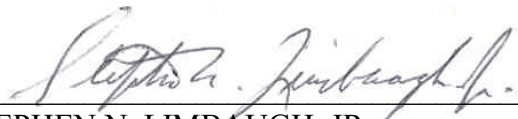
As indicated in its July 27 order (#70), the Court will grant defendant Casey the fees it incurred since receiving plaintiff’s Motion for Reconsideration. Although Casey did not submit a new calculation along with its filing of supplemental time sheets on July 29, 2011, the Court calculates that attorney Matthew Devoti worked 9.1 hours and a summer law clerk worked 17 hours on this matter between the filing of the Motion for Reconsideration on June 16, 2011 and the conclusion of briefing on July 15, 2011. The summer law clerk, who is a student at St. Louis University School of Law, researched and drafted memoranda relating to the finality of judgment; defendant Casey submits that an appropriate hourly rate for the summer law clerk is \$25. Mr. Devoti’s hourly rate is \$250. Thus, although the total charged for that period appears to be \$2,700, the Court will reduce the award to \$2,000 to account for work on issues in the

briefing that were raised by the Court *sua sponte*. Notably, plaintiff has not objected or otherwise responded to the supplemental time sheets or hourly rates submitted by Casey.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall pay to defendant Casey \$2,000 in attorney's fees, within 14 days of the date of this Order.

Dated this 29th day of August, 2011.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE